

**SUPREME COURT OF THE STATE OF NEW  
YORK COUNTY OF BRONX**

Index No.: \_\_\_\_\_/19

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**JOHN DOE,**

**Plaintiff designates  
BRONX COUNTY  
as place of trial.**

**Plaintiff,**

**-against -**

**The basis of venue is  
Plaintiff's residence address**

**ROMAN CATHOLIC ARCHDIOCESE OF NEW  
YORK, ST. HELENA'S HIGH SCHOOL and THE  
MARIST BROTHERS,**

**SUMMONS**

**Plaintiff resides in  
Westchester County**

**Defendants.**

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To the above-named defendants:

**YOU ARE HEREBY SUMMONED** to answer the complaint in this action and to serve a copy of your answer or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case your failure to appear or answer, judgement will be taken for the relief demanded herein.

**A COPY OF THIS SUMMONS WAS FILED WITH THE CLERK OF THE COURT,  
BRONX COUNTY ON \_\_\_\_\_ IN COMPLIANCE WITH CPLR §§305(a) AND  
306(a).**

Dated: New York, New York  
August 14, 2019

MERSON LAW, PLLC

By:   
Jordan K. Merson  
Attorneys for Plaintiff  
150 East 58<sup>th</sup> Street 34<sup>th</sup> Floor  
New York, New York 10155  
(212) 603-9100

TO:

**ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK**  
**1011 1<sup>st</sup> Avenue**  
**New York, NY 10002**

**ST. HELENA'S HIGH SCHOOL**  
**925 Hutchinson Parkway,**  
**Parkchester, New York 10465**

**THE MARIST BROTHERS**  
**70-20 Juno Street**  
**Forest Hills, NY 11375**

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

Index No.: \_\_\_\_\_/19

-----X  
JOHN DOE,

Plaintiff,

-against -

**VERIFIED  
COMPLAINT**ROMAN CATHOLIC ARCHDIOCESE OF NEW  
YORK, ST. HELENA'S HIGH SCHOOL and THE  
MARIST BROTHERS,

Defendants.

-----X  
Plaintiff<sup>1</sup>, above named, complaining of the defendants, by **MERSON LAW,**

PLLC., respectfully allege(s):

**NATURE OF THE CLAIM**

1. This is a case of plaintiff John Doe who was sexually abused as a child by Brother Thomas Coyne ("Coyne") at and of St. Helena's High School ("St. Helena's"), The Marist Brothers ("Marist Brothers") and Roman Catholic Archdiocese of New York ("Archdiocese").
2. Coyne was an agent, servant and/or employee of Marist Brothers, St. Helena's and Archdiocese of New York and an agent, servant and/or employee of St. Helena's which operated under the exclusive control of the Archdiocese and the Marist Brothers. Coyne was known among the community and the children as a sexual predator.
3. Despite the Archdiocese and/or Marist Brothers knowledge that Coyne sexually abused children and/or had the propensity to sexually abuse children, the Archdiocese and

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<sup>1</sup> Plaintiff uses a pseudonym because he is a victim of a sex crime pursuant to N.Y. Civ. Rights § 50-b and other statutory and common law principles.

Marist Brothers allowed Coyne unfettered access to children, including on Defendant's premises, and without proper supervision.

4. In or about 1968, Coyne, while within the scope of employment with the Archdiocese and/or Marist Brothers and while acting on behalf of the, Archdiocese and/or, Marist Brothers, would sexually abuse Plaintiff, by forcing Plaintiff to touch his penis and perform oral sex on him in his office located on Archdiocese and/or Marist Brothers premises.
5. The sexual abuse occurred at St. Helena's High School and other venues.
6. Plaintiff brings this lawsuit to recover for the emotional and physical suffering he endured because of the negligence of the Roman Catholic Archdiocese of New York, the and/or Marist Brothers and to make sure no other child is forced to suffer the abuse and physical and mental trauma she felt and continues to feel.

#### PARTIES

7. At all times herein mentioned defendant **ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK** was a not for profit corporation incorporated in the state of New York and by virtue of the laws of the State of New York.
8. At all times herein mentioned, defendant **ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK** was located at 1011 1<sup>st</sup> Avenue, New York, New York 10002.
9. At all times herein mentioned, Coyne was an agent, servant and/or employee operating under the direction and control of defendant **ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK**, and its agents, servants and/or employees.
10. At all times herein mentioned defendant **THE MARIST BROTHERS** was a not for profit corporation incorporated in the state of New York and by virtue of the laws of the State of New York.



11. At all times herein mentioned, defendant **THE MARIST BROTHERS** was located at 70-20 Juno Street, Forrest Hills, New York 11375.
12. At all times herein mentioned, Coyne was an agent, servant and/or employee operating under the direction and control of defendant **THE MARIST BROTHERS**, and its agents, servants and/or employees.
13. At all times herein mentioned, defendants **ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK** and **MARIST BROTHERS** were agents, servants, employees and/or alter egos of each other.
14. At all times herein mentioned defendant **ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK** controlled, managed and/or operated St. Helena's High School located at 925 Hutchinson Parkway, Parkchester, New York.
15. At all times herein mentioned, defendant **THE MARIST BROTHERS** controlled, managed and/or operated St. Helena's High School located at 925 Hutchinson Parkway, Parkchester, New York.
16. At all times herein mentioned defendant **ST. HELENA'S HIGH SCHOOL** was a not for profit corporation incorporated in the state of New York and by virtue of the laws of the State of New York.
17. At all times herein mentioned, defendant **ST. HELENA'S HIGH SCHOOL** was located at 925 Hutchinson Parkway, Parkchester, New York.
18. At all times herein mentioned, Coyne was an agent, servant and/or employee operating under the direction and control of defendant **ST. HELENA'S HIGH SCHOOL**, and its agents, servants and/or employees.

**FACTS OF THE CASE**

19. Defendants **ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK, ST. HELENA'S HIGH SCHOOL** and/or defendant **THE MARIST BROTHERS'** negligence and recklessness caused Coyne to have access to children on defendant's premises despite their knowledge that Coyne sexually abused children and/or had the propensity to sexually abuse children and therefore are responsible for the injuries that Plaintiff incurred because but for Defendants **ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK, ST. HELENA'S HIGH SCHOOL** and/or **THE MARIST BROTHERS'** unlawful conduct, Plaintiff would not have suffered the mental and physical anguish inflicted by Coyne. Defendants' gross negligence, reckless, wanton, willful and/or intentional conduct supports punitive liability.
20. Coyne sexually assaulted Plaintiff and many other children of St. Helena's. Nonetheless, defendants **ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK** and/or **THE MARIST BROTHERS** failed to remove Coyne from his position or to take any steps to keep the dangerous predator away from children. In fact, the Archdiocese and Marist Brothers continued to allow, encourage and/or permit Coyne to have unfettered access to children, including on Defendant's property without proper supervision.
21. At all times herein mentioned, Coyne was a teacher at St. Helena's.
22. St. Helena's High School closed in or about 2002.
23. In or about 1968, Coyne would sexually abuse plaintiff. Coyne would call plaintiff into his office and force plaintiff to touch his penis and perform oral sex on him. Coyne was allowed to do this because he was not supervised.
24. Coyne used his position of power and authority provided to him by the Archdiocese and Marist Brothers to sexually abuse plaintiff and other teenaged students at St. Helena's.

25. Coyne abused several other young boys in addition to Plaintiff. Coyne was known throughout the school as being a sexual predator and sexually abusing children the way he did to Plaintiff.
26. As a result of the actions of Coyne, Plaintiff felt and continues to feel ashamed and uncomfortable.
27. As such, Plaintiff suffered catastrophic and lifelong injuries as a result of defendants **ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK, ST. HELENA'S HIGH SCHOOL** and/or **THE MARIST BROTHERS'** negligence in undertaking a duty, including but not limited to in locis parentis, in failing to protect the children of its parishes and of its community safe from Coyne, including on company premises, despite the Archdiocese and/or Marist Brothers having knowledge that Coyne abused and/or sexually abused children and/or had the propensity to abuse and/or sexually abuse children, and/or allowing Coyne to continue to have their positions of authority and power with unfettered access to children, including on Defendant's premises without supervision.

**AS AND FOR A FIRST CAUSE OF ACTION FOR NEGLIGENCE**

**AS FOR THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK**

28. Plaintiffs repeat, reiterate and reallege each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 27., inclusive, with the same force and effect as if hereinafter set forth at length.
29. At all times mentioned herein, defendant **ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK** owed a duty of care, including but not limited to in locis parentis, to keep the young students of its school safe from the abuse and/or sexual abuse by its agents, servants and or employees under its supervision and control, including on

company premises, that ultimately befell the plaintiff, and in failing to properly supervise Coyne.

30. At all times mentioned herein, defendant **ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK** and/or its agents, servants and/or employees breached the above-stated duty in a negligent, reckless, willful and wanton manner, and caused Plaintiff to be sexually assaulted.
31. As a result of the negligence of defendant **ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK** and/or its agents, servants and/or employees, plaintiff was caused serious personal injuries, emotional distress, mental pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
32. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
33. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
34. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
35. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR A SECOND CAUSE OF ACTION FOR NEGLIGENCE**

**AS FOR THE MARIST BROTHERS**

36. Plaintiffs repeat, reiterate and reallege each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 35. inclusive, with the same force and effect as if hereinafter set forth at length.
37. At all times mentioned herein, defendant **THE MARIST BROTHERS** owed a duty of care, including but not limited to in locis parentis, to keep the students of its school safe



from the abuse and/or sexual abuse by its agents, servants and or employees under its supervision and control that ultimately befell the plaintiff, including by properly supervising Coyne.

38. At all times mentioned herein, defendant **THE MARIST BROTHERS** and/or its agents, servants and/or employees breached the above-stated duty in a negligent, reckless, willful and wanton manner, and caused Plaintiff to be sexually assaulted.
39. As a result of the negligence of defendant **THE MARIST BROTHERS** and/or its agents, servants and/or employees, plaintiff was caused serious personal injuries, emotional distress, mental pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
40. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
41. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
42. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
43. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR A THIRD CAUSE OF ACTION FOR NEGLIGENT HIRING,**

**RETENTION AND SUPERVISION AS TO**

**ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK**

44. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 43., inclusive, with the same force and effect as if hereinafter set forth at length.

45. Defendant **ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK** had a duty to supervise and prevent known risks of harm to the children of its of its schools by its agents, servants and/or employees including clergymen.
46. Defendant was negligent in hiring, retaining and supervising their personnel, such as the Coyne, who was careless, unskillful, negligent, reckless and acted in a willful and wanton manner in not possessing the requisite knowledge and skill of school officials and other home and school supervisors who should have properly been supervising the agents, servants and/or employees and church officials to ensure the safety of the children of its school.
47. Defendant **ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK** knew or should have known Coyne sexually abused and/or had the propensity to sexually abuse children and did nothing to stop it, and failed to properly supervise Coyne.
48. As a result of such negligent hiring, supervising and retention, Plaintiff was caused to suffer serious personal injuries, emotional distress, conscious pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
49. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
50. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
51. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
52. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR A FOURTH CAUSE OF ACTION FOR NEGLIGENT HIRING,**

**RETENTION AND SUPERVISION AS TO**

**THE MARIST BROTHERS**

53. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 52., inclusive, with the same force and effect as if hereinafter set forth at length.
54. Defendant **THE MARIST BROTHERS** had a duty to supervise and prevent known risks of harm to the children of its schools by its agents, servants and/or employees, including clergymen.
55. Defendant was negligent in hiring, retaining and supervising their personnel, such as the Coyne, who was careless, unskillful, negligent, reckless and acted in a willful and wanton manner in not possessing the requisite knowledge and skill of school officials and other home and school supervisors who should have properly been supervising the agents, servants and/or employees and church officials to ensure the safety of the children of its school.
56. Defendant **THE MARIST BROTHERS** knew or should have known Coyne sexually abused and/or had the propensity to sexually abuse children and did nothing to stop it, and failed to supervise Coyne.
57. As a result of such negligent hiring, supervising and retention, Plaintiff was caused to suffer serious personal injuries, emotional distress, conscious pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
58. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
59. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.

60. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
61. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR THE FIFTH CAUSE OF ACTION FOR NEGLIGENT INFLICTION**  
**OF EMOTIONAL DISTRESS AS TO**  
**ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK**

62. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 61., inclusive, with the same force and effect as if herein set forth at length.
63. Defendant **ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK** and their agents, servants and/or employees, knew or reasonably should have known that the failure to properly advise, supervise and hire Coyne the agent, servant and/or employee who sexually abused Plaintiff, would and did proximately result in physical and emotional distress to Plaintiff.
64. Defendant **ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK** and their agents, servants and/or employees knew or reasonably should have known that the sexual abuse and other improper conduct would and did proximately result in physical and emotional distress to Plaintiff.
65. Defendant has the power, ability, authority and duty to intervene with and/or stop the improper conduct that resulted in Plaintiff being sexually abused by Coyne.
66. Despite said knowledge, power and duty, defendant negligently failed to act so as to stop, prevent, and prohibit the improper conduct that resulted in the Coyne sexually abusing Plaintiff.
67. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.



68. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
69. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
70. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR THE SIXTH CAUSE OF ACTION FOR NEGLIGENT INFLICTION**

**OF EMOTIONAL DISTRESS AS TO**

**THE MARIST BROTHERS**

71. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 70., inclusive, with the same force and effect as if herein set forth at length.
72. Defendant **THE MARIST BROTHERS** and their agents, servants and/or employees, knew or reasonably should have known that the failure to properly advise, supervise and hire Coyne, the agent, servant and/or employee who sexually abused Plaintiff, would and did proximately result in physical and emotional distress to Plaintiff.
73. Defendant **THE MARIST BROTEHER** and their agents, servants and/or employees knew or reasonably should have known that the sexual abuse and other improper conduct would and did proximately result in physical and emotional distress to Plaintiff.
74. Defendant has the power, ability, authority and duty to intervene with and/or stop the improper conduct that resulted in Plaintiff being sexually abused by Coyne.
75. Despite said knowledge, power and duty, defendant negligently failed to act so as to stop, prevent, and prohibit the improper conduct that resulted in the Coyne sexually abusing Plaintiff.
76. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.

77. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
78. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
79. This action falls within exceptions to Article 16 of the C.P.L.R.

WHEREFORE, plaintiff demands judgement against defendant in such sum as a jury would find fair, adequate and just.

Dated: New York, New York  
August 14, 2019

MERSON LAW, PLLC

By: 

Jordan K. Merson  
Sarah R. Cantos  
Attorney for Plaintiffs  
150 East 58<sup>th</sup> Street 34<sup>th</sup> Floor  
New York, New York 10155  
(212) 603-9100

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX****Index No.:**  
\_\_\_\_\_/19-----X  
**JOHN DOE,****Plaintiff,****-against -****ATTORNEY  
VERIFICATION****ROMAN CATHOLIC ARCHDIOCESE OF NEW  
YORK, ST. HELENA'S HIGH SCHOOL and THE  
MARIST BROTHERS,****Defendants.**-----X  
JORDAN K. MERSON, an attorney duly admitted to practice in the Courts of New York State, and a member of the firm MERSON LAW, PLLC, attorneys for the plaintiffs in the within action, hereby affirms under penalty of perjury:

That he has read the within complaint and knows the contents thereof, and that the same is true to his own knowledge, except as to the matters therein stated to be alleged upon information and belief, and that as to those matters he believes it to be true.

That the sources of his information and knowledge are investigations and records in the file.

That the reason this verification is made by affirmant and not by the plaintiff is that the plaintiff is not within the County where the attorney has his office.

Dated: New York, New York  
August 14, 2019



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JORDAN K. MERSON

Index No.

Year 2019

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

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JOHN DOE,

Plaintiff,

-against -

ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK, ST.  
HELENA'S HIGH SCHOOL and THE MARIST BROTHERS,

Defendants.

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SUMMONS AND VERIFIED COMPLAINT

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Merson Law, PLLC.

*Attorneys for Plaintiff(s)*

*Office and Post Office Address, Telephone*

150 East 58<sup>th</sup> Street 34<sup>th</sup> Fl.  
New York, New York 10155  
(212) 603-9100

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To: All Parties

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